

### **REMARKS**

Claims 1 and 9 have been amended. Claims 10-19 have been canceled without prejudice or disclaimer. Claim 20 has been added. Ten (10) claims remain pending in the application: Claims 1-9 and 20. Reconsideration of the pending claims is respectfully requested.

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

### **Objections to the Drawings**

1. The drawings were objected to by the Examiner for failing to comply with 37 C.F.R. 1.84(p)(5) because they did not include the reference numeral "908" recited at page 32, line 19 of the specification, and because FIG. 1 included reference numeral "135" which was not included in the specification.. The specification has been amended to remove reference numeral 908. Further, the specification has been amended to include reference numeral 135. Therefore, Applicants believe that the objection to the drawings have been overcome.

### **Amendments to the Claims**

2. Support for the Amendments to claim 1 can be found throughout the originally filed specification, including the drawings and claims. More specifically, support for the amendments to claim 1 can be found at least at page 10, lines 1-7; page 21, lines 27-30; page 22, lines 1-7, page 23, lines 15-20; and page 32, lines 1-8. Support for claim 20 can be found, at least on at page 22, line 20 through page 23, line 7.

**Rejection under 35 U.S.C. 102**

3. Claims 1-5, 9-14, 19 and 19 stand rejected under 35 U.S.C. 102 as being anticipated by U.S. Patent No. 5,808,662 (*Kinney et al.*).

Applicants point out that similar amendments and arguments as presented herein were presented in co-pending U.S. Patent Application Serial No. 09/488,613, which has now been indicated as allowable.

*Kinney et al.* disclose a collaborative computer network for the use in editing films. Each workstation can simultaneously view the movie and each can make edits to the movie or control the playback of the movie as desired. This critical in *Kinney et al.* as it allows for the entire editing crew to make edits and participate in the editing process from remote locations. Furthermore, the system in *Kinney et al.* has a limited number of participants. Due to the limited number of people that would be taking place in the editing process, the system could function properly while still giving control to each of the participants.

In contrast, Applicants amended claim 1, for example, recites in part "wherein only the host can transmit the information to the memory storage device to control the simultaneous playback." The method of amended claim 1 provides for the simultaneous playback of an event over a network, e.g., the internet. Further, the method as claimed allows for only the host to transmit the information that controls playback of the event. During an online event, for example, there can be thousands of participants all participating in the simultaneous playback. If each of the participants were able to control the playback, the system would not function properly as each user may want to stop or start the playback at different times. As the number of people participating in the online event increases, the more of a problem letting the clients control the playback would become. By allowing only the host to transmit information to control the playback, the host is thus able to host the event and control the simultaneous playback at the desired time without being interrupted by the client devices. *Kinney et al.* does not teach a method "wherein only the host can transmit the information to the memory storage device," thus the rejection is overcome and amended claim 1 is in condition for allowance.

Furthermore, section 2143.01 of the Manual of Patenting Examining Procedure (MPEP) states:

"If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)."

Applicants submit it would not be obvious to modify *Kinney et al.* to provide a method "wherein only the host can transmit the information to the memory storage device." Alternatively, *Kinney et al.* describes a system that is specifically designed for movie editing, thus each participant must be able to control the playback of the movie. As is shown in Figs. 1 and 4 of *Kinney et al.*, each playback system contains a playback control interface. Thus, to modify *Kinney et al.* to provide a method "wherein only the host can transmit the information to the memory storage device," would destroy one of the intended purposes of *Kinney et al.* which is instead to provide each playback system with the ability to control the editing process. Thus, *Kinney et al.* does not anticipate the invention as claimed by Applicants, nor would it be obvious to modify *Kinney et al.* to achieve Applicants' invention. As is such, Applicants respectfully submit the rejection is overcome and amended claim 1 is in condition for allowance. Dependent claims 2-9 and new dependent claim 20 are also in condition for allowance at least because of their dependency upon allowable claim 1.

Claims 10-19 have been canceled thus the rejections of these claims are now moot.

**Rejection under 35 U.S.C. 103(a)**

4. Claims 7, 8, 16, and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,808,662 (*Kinney et al.*).

As described above with reference to the rejection under 35 U.S.C. 102, *Kinney et al.* does not disclose Applicants' claimed invention, nor would it have been obvious to modify *Kinney et al.* to obtain Applicants' invention. Alternatively, *Kinney et al.* specifically teaches away from at least "only the host can transmit the information to the

Amendment A  
Appln. No. 09/488,345  
Page 8

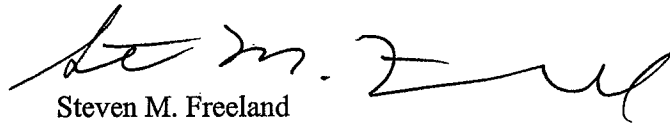
memory storage device to control the simultaneous playback” as recited in amended claim 1. Therefore, it is respectfully submitted that the rejection is overcome and claims 7, 8 are also in condition for allowance for at least the reasons provided above for amended claim 1.

Claims 16 and 17 have been canceled thus the rejections of these claims are now moot.

**CONCLUSION**

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven M. Freeland", written in a cursive style.

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Dated: June 28, 2004

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## **Exhibit D**



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09/488,345

**System, method and article of manufacture for  
 on a plurality of client computers using a synch**

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## Transaction History

Date	Transaction Description
01-12-2007	Mail Abandonment for Failure to Respond to Office Action
01-09-2007	Abandonment for Failure to Respond to Office Action
10-25-2006	Electronic Information Disclosure Statement
10-25-2006	Electronic Information Disclosure Statement
10-24-2006	Case Docketed to Examiner in GAU
08-21-2006	Miscellaneous Incoming Letter
08-08-2006	Electronic Information Disclosure Statement
04-11-2006	Miscellaneous Incoming Letter
03-21-2006	Case Docketed to Examiner in GAU
02-01-2006	Electronic Information Disclosure Statement
11-29-2005	Electronic Information Disclosure Statement
11-16-2005	Electronic Information Disclosure Statement
11-09-2005	Electronic Information Disclosure Statement
10-24-2005	Electronic Information Disclosure Statement
09-12-2005	Information Disclosure Statement (IDS) Filed
09-09-2005	Electronic Information Disclosure Statement
06-17-2005	Case Docketed to Examiner in GAU
04-21-2005	IFW TSS Processing by Tech Center Complete
01-24-2005	Electronic Information Disclosure Statement
10-27-2004	Electronic Information Disclosure Statement
09-21-2004	Electronic Information Disclosure Statement
06-01-2004	Information Disclosure Statement (IDS) Filed
06-28-2004	Workflow incoming amendment IFW
03-29-2004	Mail Non-Final Rejection
03-22-2004	Non-Final Rejection
03-04-2004	Correspondence Address Change
12-08-2003	Correspondence Address Change
12-08-2003	Correspondence Address Change
10-28-2002	Case Docketed to Examiner in GAU
08-29-2002	Case Docketed to Examiner in GAU
05-12-2000	Payment of additional filing fee/Preexam
04-17-2002	Case Docketed to Examiner in GAU

01-23-2002	Case Docketed to Examiner in GAU
02-01-2001	Change in Power of Attorney (May Include Associate POA)
02-01-2001	Correspondence Address Change
02-01-2001	Change in Power of Attorney (May Include Associate POA)
10-06-2000	Case Docketed to Examiner in GAU
07-14-2000	Case Docketed to Examiner in GAU
05-12-2000	Information Disclosure Statement (IDS) Filed
05-18-2000	Application Dispatched from OIPE
05-18-2000	Application Is Now Complete
03-29-2000	Notice Mailed--Application Incomplete--Filing Date Assigne
03-28-2000	Correspondence Address Change
02-18-2000	IFW Scan & PACR Auto Security Review
01-28-2000	Preexamination Location Change
01-28-2000	Initial Exam Team nn

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